S.B.CIVIL WRIT PETITION NO.3023/2006

Achal Kanwar
v.
State of Rajasthan & Ors.

DATE OF ORDER :: 6th July, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. I.R.Choudhary, for the petitioner.

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By advertisement Anx.1 dated 31.7.2003 the Additional Director (Administration), Medical and Health Services, Government of Rajasthan, Jaipur invited applications from eligible candidates for the purpose of appointment to the post of Nurse Gr.II against existing 825 vacancies at the consolidated salary of Rs.4500/- per month. In pursuant to the advertisement referred above the petitioner submitted an application, however, appointment was not given to her.

By the instant petition for writ the grievance of the petitioner is that though no person with less merit than her in the category of Other Backward Class was given appointment but in general category appointment was given to the respondent No.3 who stood at lower pedestal than the petitioner in the merit list prepared by the competent selection committee. It is urged that candidature of the petitioner is also required to be considered against

the vacancies which are not pertaining to reserved categories.

It is true that candidature of a person belonging to reserved category is required to be considered against the vacancies pertaining to the general categories also and if such person stands in merit then appointment must be given against non reserved vacancy, however, in the instant matter the selection proceedings took place much back in the year 2003 and the same also acquired finality in the year 2003 itself. The petitioner at the first instance agitated her cause in the month of March, 2006 by serving a notice for demand of justice upon the respondents through her counsel. The cause is agitated by the petitioner at quite a belated stage and now after a lapse of about three years from the date of completion of selection proceedings it shall not be appropriate to interfere with the selection already made. As such no relief can be granted to the petitioner, as rights have already been accrued and settled in favour of the persons appointed under the advertisement dated 31.7.2003.

The writ petition, therefore, is dismissed.

(GOVIND MATHUR),J.

kkm/ps.